DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/23/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 8, 11-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umebayashi ('765) in view of Kimura ('792).

Regarding claim 1, Umebayashi ('765) discloses an image forming apparatus (input device, **See Figure 1, Element 10**) that includes a holding portion (buffer, **See Figure 1, Element 7**) holding obtained image data (stores the digitized image data, **See Col. 4, Line 21-23**), an image-related information producing portion (attribute information generating means, **See Figure 1, Element 3**) producing image-related information related to the image data, which includes attribute information of the image data (**See Col 4, Line 23-30**), an accepting portion (publication means, **See Figure 1,**

Element 6) accepting designation of a destination of the image-related information to be sent (accepts a request to transmit the attribute table to the browser unit, **See Col. 5, Line 8-10**), a sending portion (through the communication processing means, **See Figure 1, Element 5**) sending the image-related information to an external device at the designated destination (the attribute information list is transmitted to the user to view, **See Figure 18(b); Col. 7, Line 10-13**), a receiving portion (through the communication processing means, **See Figure 1, Element 5**) receiving output form instruction information from the external device (receives the instruction to print the selected image data, **See Col. 5, Line 27-38**), and an image forming portion (image data output means, **See Figure 1, Element 1a**) forming image data for outputting from the image data held by the holding portion based on the output form instruction information (once the image data is fetched, the image data is printed, **See Col. 5, Line 42-46**).

Umebayashi ('765) does not disclose that the output instruction information includes an instruction relating to an output form of the image data and being specified by the image-related information.

Kimura ('792) discloses output instruction information that includes an instruction relating to an output form of the image data and being specified by the image-related information (resolution information or the like, **See Figure 2, Element 120**, is sent from the external device and includes color and resolution information for outputting the specified image data, **See Col. 7, Line 6-22**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include an output form within the output instruction

information, such as the one disclosed within Kimura ('792), and incorporate it into the apparatus of Umebayashi ('765) because it allows the image data to be modified and outputted according to the printer's capabilities rather than being unable to have the image data outputted by the printer.

Regarding claim 2, Umebayashi ('765) discloses the image-related information producing portion produces the image-related information including an abbreviated image prepared from at least a part of the image data (a thumbnail image of the image data is generated, **See Col. 7, Line 21-26**).

Regarding claim 3, Umebayashi ('765) discloses the receiving portion receives, as an output form, the output form instruction information instructing the print output of the image data (receives an instruction for the selected image data to output, **See Col. 7, Line 30-38**).

Regarding claim 4, Umebayashi ('765) discloses the image data is obtained by scanning each document forming a document group (places the manuscripts to be inputted as image data by a scanner, **See Col. 4, Line 8-10**), the image-related information producing portion produces the image-related information for each document (generates the attribute information of the image data, **See Col. 4, Line 23-30**), and the receiving portion receives the output form instruction information instructing an output form for each of the documents (receives an instruction for the selected image data to output, **See Col. 7, Line 30-38**).

Regarding claim 8, Umebayashi ('765) discloses an image forming method that includes a storing step for storing the obtained image data in a storage device by an

image forming apparatus (stores the digitized image data, **See Col. 4, Line 21-23**), an image-related information producing step of producing image-related information related to the image data in the image forming apparatus, which includes attribute information of the image data (**See Col 4, Line 23-30**), a designating step of designating to the image forming apparatus, a destination for the image-related information to be sent (accepts a request to transmit the attribute table to the browser unit, **See Col. 5, Line 8-10**), an image-related information sending step for sending the image-related information to an image managing apparatus at the designated destination from the image forming apparatus (the attribute information list is transmitted to the user to view, **See Figure 18(b); Col. 7, Line 10-13**), an image-related information displaying step for displaying in the image managing apparatus, the image-related information received from the image forming apparatus (**See Figure 18(b)**), an output form instruction producing step of producing in the image managing apparatus, output form instruction information (produce the instruction to print the selected image data, **See Col. 5, Line 27-35**), an output form instruction information sending step of sending the output form instruction information from the image managing apparatus to the image forming apparatus (transmit the print request to have the image data outputted, **See Col. 5, Line 33-38**), and an image forming step of forming the image data for output from the image data stored in the storage device based on the output form instruction information received from the image managing apparatus (once the image data is fetched, the image data is printed, **See Col. 5, Line 33-46**).

Umebayashi ('765) does not disclose that the output instruction information includes an instruction relating to an output form of the image data and being specified by the image-related information.

Kimura ('792) discloses output instruction information that includes an instruction relating to an output form of the image data and being specified by the image-related information (resolution information or the like, **See Figure 2, Element 120**, is sent from the external device and includes color and resolution information for outputting the specified image data, **See Col. 7, Line 6-22**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include an output form within the output instruction information, such as the one disclosed within Kimura ('792), and incorporate it into Umebayashi ('765) because it allows the image data to be modified and outputted according to the printer's capabilities rather than being unable to have the image data outputted by the printer.

Regarding claim 11, Umebayashi ('765) discloses an image managing apparatus (browser unit, **See Figure 1, Element 30**) that includes a receiving portion (communication processing means, **See Figure 1, Element 34**) for receiving image-related information related to image data from the image forming apparatus (connects to receive the image attribute information, **See Col. 5, Line 6-11**), a display portion (display means, **See Figure 1, Element 31**) displaying the image-related information (**See Figure 18(b)**), an output form instruction information producing portion (embodied within the browser unit) producing output form instruction information (produce the

instruction to print the selected image data, **See Col. 5, Line 22-35**), and a sending portion (through the communication processing means, **See Figure 1, Element 34**) sending the output form instruction information to the image forming apparatus (transmits a printing request for the selected image data, **See Col. 5, Line 33-38**).

Umebayashi ('765) does not disclose that the output instruction information includes an instruction relating to an output form of the image data.

Kimura ('792) discloses output instruction information that includes an instruction relating to an output form of the image data (resolution information or the like, **See Figure 2, Element 120**, is sent from the external device and includes color and resolution information for outputting the specified image data, **See Col. 7, Line 6-22**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include an output form within the output instruction information, such as the one disclosed within Kimura ('792), and incorporate it into the apparatus of Umebayashi ('765) because it allows the image data to be modified and outputted according to the printer's capabilities rather than being unable to have the image data outputted by the printer.

Regarding claim 12, Umebayashi ('765) discloses the image-related information includes an abbreviated image prepared from at least a part of the image data (a thumbnail image of the image data is generated, **See Col. 7, Line 21-26**), the display portion displays at least the abbreviated image (**See Figure 18(d)**), and the image managing apparatus further includes an accepting portion accepting the instruction operation using the abbreviated image and performed by a user for an output form (user

selects the image data to be printed, **See Col. 5, Line 27-32**, using the thumbnail image, **See Col. 7, Line 38-40**).

Regarding claim 13, Umebayashi ('765) discloses that the output form instruction information producing portion produces as an output form, the output form instruction information instructing the print output of the image data (transmits an instruction for the selected image data to output, **See Col. 7, Line 30-38**).

Regarding claim 14, Umebayashi ('765) discloses the image data is obtained by scanning each document forming a document group (places the manuscripts to be inputted as image data by a scanner, **See Col. 4, Line 8-10**), the image-related information received from the image forming apparatus includes the image-related information for each document (generates the attribute information of the image data, **See Col. 4, Line 23-30**), and the output form instruction information producing portion produces an output form for each of the documents (transmits an instruction for the selected image data to output, **See Col. 7, Line 30-38**).

Regarding claim 18, the combination of Umebayashi ('765) and Kimura ('792) together discloses that the image-related information includes color information of the image data (color information used for minimizing the color differences prior to outputting, **See Col. 7, Line 13-22**).

Claims 5-7, 9-10, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umebayashi ('765) in view of Kimura ('792) and Phillips (Pub. # 20040205504).

Regarding claim 5, Umebayashi ('765) discloses an image forming apparatus (input device, **See Figure 1, Element 10**) that includes a holding portion (buffer, **See Figure 1, Element 7**) holding obtained image data (stores the digitized image data, **See Col. 4, Line 21-23**), an operating portion (embodied within operation means, **See Figure 1, Element 4**) accepting a user input for a sending destination of an abbreviated image to be prepared from the image data (the user is able to input various kinds of operations, **See Col. 3, Line 62-64**, for having image data sent and overlooked at the designated browser unit, **See Col. 4, Line 51-56**), and a sending portion (through the communication processing means, **See Figure 1, Element 5**) sending the produced abbreviated image to the external device (the thumbnail image produced is sent and displayed on the browser unit, **See Col. 7, Line 38-39**).

Umebayashi ('765) does not disclose that the user accepting a user input designating an external device as a sending destination.

Kimura ('792) discloses having the user input an external device as a sending destination (user selects an external device for sending the image data, **See Col. 6, Line 57-60**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include inputting an external device as a sending destination, such as the one disclosed within Kimura ('792), and incorporate it into the apparatus of Umebayashi ('765) because it allows the user to have the ability to select a destination for outputting the data that is best suited to optimally output the image data accordingly.

Umebayashi ('765) also does not disclose a receiving portion that receives a setting from the external device, such that the setting is related to an abbreviated image, and an abbreviated image producing portion producing the abbreviated image by using a part of the image data based on the received setting.

Phillips (Pub. # 20040205504) discloses an receiving portion (change request, **See Figure 1, Element 130**) receiving a setting from an external device, such that the setting relates to the abbreviated image (client receives a confirmation on the user change from the server that was requested, such as a configurations change, **See Page 2, Paragraph 0027**), and an abbreviated image producing portion (embodied within the client, **See Figure 1, Element 100**) producing the abbreviated image by using at least a part of the image data based on the received setting (user is able to produce the image data using the changed configurations, **See Page 2, Paragraph 0027-0028**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a setting for an abbreviated image and producing it, such as the one disclosed within Phillips (Pub. # 20040205504), and incorporate it into the image forming apparatus of Umebayashi ('765) because it allows the user to modify a selected image received rather than only being able to view it.

Regarding claim 6, the combination of Umebayashi ('765) and Phillips (Pub. # 20040205504) discloses that the receiving portion receives the setting designating a resolution of the abbreviated image (resolution of the thumbnails, **See Phillips (Pub. # 20040205504), Page 3, Paragraph 0037**).

Regarding claim 7, the combination of Umebayashi ('765) and Phillips (Pub. # 20040205504) discloses that the setting received by the receiving portion from the external device designates at least one of change of the abbreviated image and resending of the abbreviated image (client sends a change request and receives it in response in order for the client to process the received configurations change, **See Phillips (Pub. # 20040205504), Page 2, Paragraph 0027**).

Regarding claim 10, Umebayashi ('765) discloses an image forming method that includes a storing step for storing the obtained image data in a storage device by an image forming apparatus (stores the digitized image data, **See Col. 4, Line 21-23**), an accepting step of accepting a user input via an operation portion of the image forming apparatus, the user input a sending destination of an abbreviated image to be produced from the image data on the image forming apparatus (the user is able to input various kinds of operations on the input device, **See Col. 3, Line 62-64**, for have image data be overlooked at a designated browser unit, **See Col. 4, Line 51-56**), and a first abbreviated image producing and sending step of producing a first abbreviated image using a part of the image data and sending it to the image managing apparatus (the thumbnail generated, **See Col. 7, Line 30-33**, is transferred to the browser unit to be displayed, **See Figure 18(d); Col. 7, Line 38-39**).

Umebayashi ('765) does not disclose that the user accepting a user input designating an external device as a sending destination.

Kimura ('792) discloses having the user input an external device as a sending destination (user selects an external device for sending the image data, **See Col. 6, Line 57-60**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include inputting an external device as a sending destination, such as the one disclosed within Kimura ('792), and incorporate it into the apparatus of Umebayashi ('765) because it allows the user to have the ability to select a destination for outputting the data that is best suited to optimally output the image data accordingly.

Umebayashi ('765) further does not disclose an instructing step of sending an instruction related to the first abbreviated image from the image managing apparatus to the image forming apparatus, and a second abbreviated image producing and sending step for producing in the image forming apparatus, a second abbreviated image to be substituted for the first abbreviated image using the image data and sending the image.

Phillips (Pub. # 20040205504) discloses an instructing step of sending an instruction related to the first abbreviated image from the image managing apparatus to the image forming apparatus (the client transmits a change request related to the thumbnails from the client computer to the server, **See Figure 1; Page 2, Paragraph 0027**), and a second abbreviated image producing and sending step for producing in the image forming apparatus, a second abbreviated image to be substituted for the first abbreviated image using the image data and sending the image (the server retrieves

the image data corresponding to the change request and sends the change to the client computer for processing, **See Page 2, Paragraph 0027**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a sending an instruction for an abbreviated image and producing it, such as the one disclosed within Phillips (Pub. # 20040205504), and incorporate it into the image forming apparatus of Umebayashi ('765) because it allows the user to modify a selected image received rather than only being able to view it.

Regarding claim 15, Umebayashi ('765) discloses an image managing apparatus (browser unit, **See Figure 1, Element 30**) that includes a receiving portion (through the communication processing means, **See Figure 1, Element 34**) receiving an abbreviated image produced by using at least a part of the image data from an image forming apparatus (receives a thumbnail image data of the image data stored to be displayed, **See Figure 18(d); Col. 7, Line 38-39**), and a sending portion (embodied within the browser unit, **See Figure 1, Element 30**) for sending output form instruction information (sends an instruction to print the selected image data along with the specified registration number of the selected image data, **See Col. 5, Line 27-38**).

Umebayashi ('765) does not disclose that the output instruction information includes an instruction relating to an output form of the image data.

Kimura ('792) discloses output instruction information that includes an instruction relating to an output form of the image data (resolution information or the like, **See Figure 2, Element 120**, is sent from the external device and includes color and resolution information for outputting the specified image data, **See Col. 7, Line 6-22**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include an output form within the output instruction information, such as the one disclosed within Kimura ('792), and incorporate it into the apparatus of Umebayashi ('765) because it allows the image data to be modified and outputted according to the printer's capabilities rather than being unable to have the image data outputted by the printer.

Umebayashi ('765) further does not disclose a receiving portion receiving an abbreviated image reproduced at the image forming apparatus in compliance with the instruction information sent from the image managing apparatus to the image forming apparatus, and a sending portion sending instruction information providing an instruction related to reproduction of an abbreviated image concerning the abbreviated image to the image forming apparatus.

Phillips (Pub. # 20040205504) discloses a receiving portion (embodied within the server, **See Figure 1, Element 140**) receiving an abbreviated image reproduced at the image forming apparatus complying with the instruction information sent from the image managing apparatus to the image forming apparatus (receives a request for an abbreviated image from a user with change configurations, **See Page 2, Paragraph 0027**), and a sending portion (embodied within the server, **See Figure 1, Element 140**) for providing an instruction related to reproduction of an abbreviated image concerning the abbreviated image to the image forming apparatus (send the change configurations of the image data requested by the user to the client, **See Page 2, Paragraph 0027-0028**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a receiving and sending an instruction for reproducing an abbreviated image, such as the one disclosed within Phillips (Pub. # 20040205504), and incorporate it into the image forming apparatus of Umebayashi ('765) because it allows the user to modify a selected image received rather than only being able to view it.

Regarding claim 16, the combination of Umebayashi ('765) and Phillips (Pub. # 20040205504) discloses that the instruction related to the abbreviated image instructs at least one of change of the abbreviated image and resending the abbreviated image (client sends a change request and receives it in response in order for the client to process the received configurations change, **See Phillips (Pub. # 20040205504), Page 2, Paragraph 0027**).

Regarding claim 17, the combination of Umebayashi ('765) and Phillips (Pub. # 20040205504) discloses that the instruction related to the abbreviated image instructs the resolution of the abbreviated image (resolution of the thumbnails, **See Phillips (Pub. # 20040205504), Page 3, Paragraph 0037**).

Regarding claim 9, the rationale provided in the rejection of claim 5 is incorporated herein. In addition, the image forming apparatus of claim 5 corresponds to the image forming method of claim 9 and performs the steps disclosed herein.

Regarding claim 19, the combination of Umebayashi ('765) and Kimura ('792) together discloses that the operation portion includes a user interface provided on the image forming apparatus that accepts the user input (operation panel within the

operation means, **See Umebayashi ('765), Figure 1, Element 4**) that accepts the user input designating the external device (user selects an external device for sending the image data, **See Kimura ('792), Col. 6, Line 57-60**).

Response to Arguments

Applicant's arguments, see remarks, filed 11/23/2009, with respect to the rejection of claims 1-4, 8 and 11-14 under Umebayashi as well as claims 5-7, 9-10 and 15-17 under Umebayashi in view of Phillips have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Umebayashi in combination with Kimura as applied to claims 1-4, 8, 11-14 and 18 as well as Umebayashi in combination with Phillips and Kimura as applied to claims 5-7, 9-10, 15-17 and 19. Thus, the prior art of Kimura is used in combination with Umebayashi as well as in combination with Umebayashi and Phillips and together does meet each limitation of the amended claims as disclosed within the rejection above.

Based on these facts, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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